

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:08-CR-166-D  
No. 5:12-CV-159-D

CORDARO BUNCH, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )

**ORDER**

On April 24, 2013, the court denied Cordaro Bunch's ("Bunch") motion to vacate, set aside, or correct his sentence and denied a certificate of appealability. See [D.E. 34]. On April 28, 2014, Bunch filed a motion to reopen his section 2255 proceeding, citing Rule 60(b) of the Federal Rules of Civil Procedure and the Fourth Circuit's panel opinion in Whiteside. See [D.E. 36]; Whiteside v. United States, 748 F.3d 541 (4th Cir. 2014).

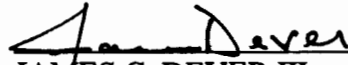
The court lacks jurisdiction to consider Bunch's Rule 60(b) motion. See, e.g., United States v. Winestock, 340 F.3d 200, 205–08 (4th Cir. 2003). Alternatively, even if the court has jurisdiction, the Fourth Circuit vacated and reversed the Whiteside panel opinion. See Whiteside v. United States, No. 13-7152, 2014 WL 7245453 (4th Cir. Dec. 19, 2014) (en banc). Thus, Bunch's motion lacks merit and is denied.

After reviewing the claims presented in Bunch's motion, the court determines that reasonable jurists would not find the court's treatment of any of Bunch's claims decided in this order debatable or wrong, and that none deserve encouragement to proceed any further. Thus, the court denies a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38

(2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

In sum, Bunch's Rule 60(b) motion [D.E. 34] is DISMISSED and the court DENIES a certificate of appealability.

SO ORDERED. This 28 day of January 2015.

  
JAMES C. DEVER III  
Chief United States District Judge